**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**ARBITRATION PETITION NO.393 OF 2007**

Regus Business Centre Pvt.Ltd. .. Petitioners.

Versus

M/s.K.Raheja Developers .. Respondents.

Mr.D.D.Madon, Senior Counsel with Mr.Kailash Lad i/b.Manav Raheja/Vani Panikar, Advocates for the petitioners.

Mr.Karim Vakil i/b.Purnima Bhatia for respondent.

**CORAM : S.C.DHARMADHIKARI, J.**

**DATE : 5th October, 2007.**

**P.C.:**

1. Heard Mr.Madon, learned Senior Counsel appearing for the petitioners and Mr.Karim Vakil, appearing for the respondents. Perused the petition and the annexures thereto, including the relevant clauses of the Agreement, copy of which is annexed to the petition.

2. Without entering into the controversy about the

rights, if any, that are created by the Agreement in favour of either party so also keeping intact all remedies and contentions of both sides therein open, in my view, at this stage, all that can be directed is that the respondents shall not evict or dispossess the petitioners from the premises in their possession, save and except, by due process of law. Merely because the respondents have appeared to oppose an application under Section 9 of the Arbitration & Conciliation Act, 1996, does not mean that the respondents submit to the jurisdiction of the Court or the Arbitrator. It will be open for the respondents to urge that the Arbitrator has no jurisdiction to adjudicate upon the claim and the Arbitrator will pass such orders as are permissible in law, after hearing both sides on such objections, uninfluenced by any observations or the order on this petition. This order is passed without prejudice to the rights and contentions of both sides in the pending arbitral reference or otherwise.

3. The order is passed because Mr.Madon has taken instructions and made a statement that the petitioners are in possession of the subject premises and they would move for appointment of an Arbitrator as expeditiously as possible.

**(S.C.Dharmadhikari, J.)**